

**May 10, 1999**

**FACT SHEET  
AMENDMENTS TO REQUIREMENTS FOR  
CONTROL TECHNOLOGY DETERMINATIONS  
FOR MAJOR SOURCES IN ACCORDANCES WITH  
CLEAN AIR ACT SECTION 112(j)**

**TODAY'S ACTION**

- ◆ The Environmental Protection Agency (EPA) is today finalizing revisions to an EPA final rule regarding permits for air toxics emissions limits, “Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Section 112(j)”. Air toxics, otherwise known as hazardous air pollutants, are those pollutants known or suspected to cause adverse health and environmental effects.
- ◆ Today’s revisions would delay the permit application deadline to December 15, 1999 for owners and operators of industrial sources of air toxics emissions in the Clean Air Act’s “7-year source categories” for which EPA has not yet issued an air toxics emissions standard. This amendment will eliminate the need these owners and operators to submit to EPA a permit application for a case-by-case toxic emissions limit determination.

**BACKGROUND**

- ◆ Under the Clean Air Act Amendments of 1990, EPA is required to regulate emissions of 188 listed toxic air pollutants. (Note that this list originally referenced 189 pollutants, but EPA has subsequently removed the chemical caprolactam from the list.) EPA is required to publish a list of source categories that emit one or more of these toxic air pollutants. For listed categories of "major" sources (those that emit 10 tons annually or more of a listed pollutant or 25 tons or more of a combination of pollutants), the Clean Air Act further requires EPA to develop standards that will require the industrial sources to achieve an emission reduction equivalent to putting into place what is known as “maximum achievable control technology” (MACT).
- ◆ Pursuant to Clean Air Act requirements, EPA published a schedule for issuing the air toxics MACT regulations for these 174 source categories. The Act further directed EPA to issue these regulations for at least 40 source categories by 1992 (referred to as “2-year MACTS”), for at least 25 percent of the listed categories by 1994 (“4-year MACTS”), for at least 50 percent of the listed categories by 1997 (“7-year MACTS”), and all remaining categories by the year 2000 (“10-year MACTS”).
- ◆ On May 20, 1994 EPA issued a final rule which established the process by which EPA makes “equivalent emission limitations” by permit for industrial sources of air toxics

emissions. "Equivalent emission limitation" means an emission limitation which is at least as stringent as the MACT standard that EPA would have issued. This final rule requires owners and operators of a major source in a source category for which the Agency fails to issue a MACT standard to obtain from EPA an "equivalent emission limitation" by permit. EPA requires these owners and operators to submit the permit application within 18 months after the statutory deadline established by the Act, if EPA misses its deadline for issuing a MACT standard. This deadline is May 15, 1999 for the 7-year MACT standards. The proposed amendment to the rule would delay the permit application deadline for sources in the affected 7-year MACT source categories until December 15, 1999.

- ◆ To date, EPA has issued several 7-year MACT standards and intends to issue MACT standards for all of the remaining 7-year source categories according to the following schedule, which has been incorporated in a proposed consent decree filed with the U.S. District Court for the District of Columbia:

Final rules required by May 15, 1999:

1. hydrogen fluoride production;
2. primary lead smelting;
3. ferroalloys production;
4. steel pickling -- HCl process;
5. oil and natural gas production;
6. butadiene-furfural cotrimer (R-11) production;
7. 4-chloro-2-methyl phenoxyacetic acid production;
8. 2, 4-D salts and esters production;
9. 4, 6-dinitro-o-cresol production;
10. captafol production;
11. captan production;
12. chloroneb production;
13. chlorothalonil production;
14. dacthal (tm) production;
15. sodium pentachlorophenate production;
16. tordon (tm) acid production;
17. acrylic fibers/modacrylic fibers production;
18. acetal resins production;
19. mineral wool production;
20. portland cement manufacturing;
21. wool fiberglass manufacturing;
22. polycarbonates production;
23. polyether polyols production;
24. phosphate fertilizer production; and
25. phosphoric acid manufacturing.

Final rules required by October 15, 1999:

publicly owned treatment works

Final rules required by December 15, 1999:

1. amino resins production;

2. phenolic resins production; and
3. secondary aluminum production.

Final rules required by December 15, 2000:

pulp and paper (combustion)

- ◆ Even if EPA issues the remaining standards in accordance with the court-ordered schedule as expected, the Clean Air Act (under section 112(j)) may still require owners and operators of major sources in the affected source categories to submit the permit application to EPA. EPA is finalizing today's amendment to avoid placing this unnecessary paperwork burden on owners and operators and State and Local permitting agencies. EPA believes delaying the permit application deadline by 210 days until December 15, 1999 will allow EPA to issue the remaining MACT standards (with the exception of pulp and paper--combustion) in a time-frame such that owners and operators in the affected source categories would not be subject to Clean Air Act requirements to submit a permit.

**WHAT ARE THE BENEFITS?**

- ◆ As a result of today's revisions, EPA will be able to issue the remaining MACT standards (with the exception of pulp and paper--combustion) in a time-frame such that owners and operators in the affected source categories will not be subject to Clean Air Act requirements to submit a permit application to EPA. This action will avoid placing this unnecessary paperwork burden on owners or operators and State and Local permitting agencies.

**WHO WOULD BE AFFECTED BY THE RULE?**

- ◆ Any major source category for which EPA has not issued a 7-year MACT standard would be affected. These source categories are listed above.

**FOR FURTHER INFORMATION...**

- ◆ Interested parties can download the proposed revisions from EPA's web site on the Internet under "recent actions" at the following address: <http://www.epa.gov/ttn/oarpg>. In addition, the proposed revisions can be obtained from the Air and Radiation Docket and Information Center, by telephone (202) 260-7548 or by electronic mail, [a-and-r-docket@epamail.epa.gov](mailto:a-and-r-docket@epamail.epa.gov). The docket number is A-93-32.
- ◆ The EPA's Office of Air and Radiation's home page on the Internet contains a wide range of information on air pollution programs and issues. The Office of Air and Radiation's home page address is: <http://www.epa.gov/oar/>.
- ◆ For questions on the proposed revisions, contact Mr. James Szykman or Mr. David Markwordt, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2452

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